

REMARKS

Claims 1, 3-6, and 8-11 are currently pending within this application. Claim 10 has been amended by removing the language noted by the Office as indefinite as well as removing improper language for defining a Markush group. As the specification clearly indicates the possible proportions for such other ingredients, proper selection thereof in view of the claim as now written is provided. As such, it is submitted that the previous rejection is now moot. No new matter has been added. No Claims have now been added. Thus, Applicants respectfully request entry and due consideration of such amendments within this pending application.

The Office has sustained its improper rejection of Claims 1, 3-5 and 8-11 under 35 U.S.C. § 103(a) as being unpatentable over Suffis et al. The Office has also continued its improper rejection of Claim 6 under the same provision as being unpatentable over Suffis et al. in view of Kuroda et al. Applicants have again chosen to reply to these rejections simultaneously as such positions of the Office rely upon the proper ability to cite Suffis et al. as a reference against the present claims. The Office merely relies upon a laundry list of components within the primary reference that alludes to alkali metal silicates. However, nothing further has been provided by patentees to describe this possible component, except for a single example that lists sodium silicate as a component within one of patentees' formulations. Furthermore, it should be noted that Suffis et al. include triclosan and other deodorizing compounds within their formulations in order to provide such benefits.

Applicants have, to the contrary, discovered that specific types of deodorizing metal silicates are possible upon production thereof in certain molar ratios of metal oxide to silicate as well as upon generation of certain ranges of oil absorption value characteristics. There is no possible basis for the Office to assert that obviousness exists in this situation as there is no motivation for the ordinarily skilled artisan to view such a laundry list of potential compounds (and exemplified solely as sodium silicate within patentees' specification, clearly not within the scope of compounds now claimed) and deduce that those alluded to by patentees would be modifiable easily to meet the same deodorizing benefits of the products now claimed. The only manner of finding any basis of rejection of the present claims is for the Office to assert such a claimed group of compounds are inherently within such a laundry list of compounds. The Office then states that no evidence to show any difference between the claimed compounds and those within such a laundry list within Suffis et al.'s specification has been provided. The Office is clearly wrong in such an assessment and Applicants direct the Office to review the examples within their originally filed specification. Applicants' assignee, J.M. Huber Corporation, is one of only two (known to Applicants) producers of calcium silicate in the United States, if not the world, today. The only product in the calcium, magnesium, zinc silicate group that is known to Applicants as a compound that is included in skin treatment compositions is Hubersorb® 600, a calcium silicate product made by Applicants' assignee. As such, and as the closest possible prior art compound known to Applicants, they provided a full comparison of the manufacturing details as well as the deodorizing properties of the inventive compounds and this prior art product. Clearly, as the Office should note upon actual review thereof, there is a distinct difference in the

product attributes, particularly in terms of deodorizing capability, between those inventive compounds and Hubersorb 600. For the Office to state that no evidence as to specificity has been provided is a disservice to Applicants and has merely prolonged pendency of this application. Clearly, from the evidence provided already by Applicants, the Office position that Suffis et al.'s mere recitation of an alkali metal or alkaline earth metal silicate fails to meet the requirements of any proper basis of rejection, particularly in view of the evidence already provided by Applicants.

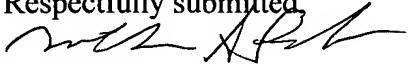
As stated previously, the Office must supply some proper conclusive basis to make the assertion that all alkaline earth and alkali metal silicates are covered by the claims as they are now written. Applicants have shown within the examples of the originally filed specification that Hubersorb® 600 does not perform to the same level as the metal oxide silicates now claimed. As this is due to molar ratio and oil absorption properties, it is now incumbent upon the Office to show which products listed within Suffis et al.'s laundry list would definitively meet the present claim limitations of the instant invention. This the Office has yet to do. As such, the finality of this rejection is improper as well.

Hence, it remains Applicants' collective position that the citation of Suffis et al. alone, and particularly in view of the inexplicable combination with Kuroda et al., fails to provide a sufficient teaching that meets the currently claimed subject matter. Since Suffis et al. is completely deficient as a reference over the present claims, the addition of Kuroda et al. is, as noted previously, a moot point. Reconsideration and withdrawal of both of these improper rejections are thus earnestly solicited.

CONCLUSION

In view of the amendments and remarks supplied above, it is respectfully submitted that the present claims of this application are now in condition for allowance and that this case be passed on to issue.

December 28, 2006

Respectfully submitted

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 28, 2006, along with a postcard receipt.


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